

## **REMARKS/ARGUMENTS**

1. Status of the claims

Prior to this Response, Claims 1, 4-11 and 13-62 were pending in the application, Claims 1, 4-11, 14-27, 29-42, 44-56 and 58-62 were rejected, and Claims 13, 28, 43 and 57 were objected to. In response, Applicant has amended Claims 1, 18-19, 33-34, 48-49 and 62 and cancelled Claims 10, 26, 41 and 55.

2. Rejection under 35 U.S.C. §102

Substantively, the Examiner has rejected Claim 1 under 35 U.S.C. §102(b) based on the contention that it is anticipated by U.S. Patent No. 4,094,316 issued to Nathanson ("Nathanson '316"). Applicant respectfully traverses the Examiner's rejection. Notwithstanding that traversal, Applicant has amended Claims 1, 18-19, 33-34, 48-49 and 62 and cancelled Claims 10, 26, 41 and 55 to better clarify the invention. As amended, and as will be explained below, Claim 1 is not taught, disclosed or suggested by Nathanson '316.

Nathanson '316 relates to an adhesive bandage formed with a reusable appliqué overlying a release liner 25, and serves the threefold function of (1) increasing the attractiveness of the bandage; (2) providing an appliqué which may be reused for decorative and ornamental purposes; and/or (3) providing a clothing repair patch. Nathanson '316 achieves these functions by detaching and reapplying an appliqué at any other place. The appliqué is formed of any sheet material or other coated paper, vinyl, or the like. Once the appliqué is removed, however, the plaster (bandage 10) is left with a release liner 25 that becomes the external surface of the plaster (bandage 10). The release liner 25 is made of sheet material having a relatively smooth surface (Col. 3, Line 33), and Nathanson '316 discloses that "the release liner may be formed with only one release surface, as by waxing, coating or calendering only one surface of the sheet forming the release liner." (Col. 3, Lines 43-45). To Applicant's best of knowledge, the object of the

release liner 25, as disclosed in Nathanson '316, is to repel water or any other external matters from adhering to the plaster and to prevent from any possible infection that might result therefrom.

The Examiner's basis for rejecting the present claim is that a plaster (bandage 10) as disclosed in Nathanson '316 is "capable of accepting a cosmetic preparation, ... and wherein further the external surface of the base layer is rough in that it is constructed from woven textile fabric, and includes a surface coating constructed from cotton denim, which is inherently hydrophilic." In other words, the Examiner's rejection is based on the point that the surface coating (appliqué 30) is made of fabric material and can absorb water; and therefore, it inherently teaches Applicant's claimed invention that a user can apply a lipid-based or hydro-based makeup directly to the surface of the surface coating (appliqué 30).

The object of Nathanson '316, however, is that the surface coating (appliqué 30) can be detached from the plaster (bandage 10) and applied elsewhere as a decorative patch or as an ornamental or repair patch on clothing (Col. 2, Lines 38-40). The surface coating (appliqué 30), therefore, serves a different function than Applicant's claimed invention, where the latter serves a protective function while providing an esthetic effect on the user's skin, and the former serves to provide a decorative appeal to the user by recycling the surface coating (appliqué 30) at any other place. Moreover, once the surface coating (appliqué 30) is removed from the plaster (bandage 10), the external surface of the plaster (bandage 10) is made of a sheet material having a relatively smooth surface such as waxed or otherwise coated or calendered paper, or plastic sheeting (Col. 3, Lines 36-38). To Applicant's best of knowledge, the make-up of the external surface of the release liner 25 directly teaches away from applying the lipid-based or hydro-based makeup directly to the surface of the plaster (bandage 10). Therefore, the removal of textile fabric surface coating (appliqué 30) in Nathanson '316 will result the plaster (bandage 10)

having a smooth surface coating in the external surface that has no affinity for water.

The presently claimed invention in Claim 1 claims a surface treatment or surface coating that is coarsely adapted to the surrounding skin color or to the surrounding makeup. Therefore, the surface coating is lipophilic and hydrophilic, and the use of a lipophilic or hydrophilic surface treatment or coating enables a user to apply a lipid-based or hydro-based makeup directly to the surface of the present invention, and to ensure that the makeup will maintain its position. Furthermore, Applicant's present invention discloses the plaster having a thickness between 20  $\mu\text{m}$  to 100  $\mu\text{m}$ . This is another important aspect of the present invention in that the thickness of the plaster enables a user to readily blend it from its surroundings.

In contrast, Nathanson '316 discloses the release liner 25 that is made of material that repels water. Therefore, there is no teaching or suggestion of a hydrophilic or lipophilic coating on the release liner 25 as disclosed in Nathanson '316. Furthermore, as discussed above, the textile fabric surface coating (appliqué 30) cannot have a thickness as disclosed in Applicant's claimed invention. It would be impossible for Nathanson '316 to have such coating that is between 20  $\mu\text{m}$  to 100  $\mu\text{m}$  because the utility of such coating for reuse would not enable it to be that thin. Therefore, Nathanson '316 fails to teach, suggest or disclose having the surface coating (appliqué 30) having a thickness between 20  $\mu\text{m}$  to 100  $\mu\text{m}$ . Moreover, one of ordinary skill in the art would never incorporate such a coating into the structure of the release liner 25 of Nathanson '316, as to do so would teach away from the protective function of the release liner '316.

Based on the above, Applicant submits that the present invention is not disclosed in Nathanson '316, and Applicant respectfully requests withdrawal of the Examiner's rejection.

### 3. Rejections under 35 U.S.C. §103

The Examiner has additionally rejected Claims 1, 4-11, 14-27, 29-42, 44-56, and 58-62 under 35

U.S.C. §103(a), based on the contention that they are unpatentable over Dow '325 in combination with a number of other prior art references. Applicant, again, respectfully traverses the Examiner's rejections. Given that all of the rejected claims depend from independent Claims 1, 19, 34 and 49, however, and given that Claims 1, 19, 34 and 49 are now in allowable condition as noted above, Applicant submits that the Examiner's rejections are now moot. Therefore, withdrawal of the rejections under §103 is respectfully requested.

#### 4. Conclusion

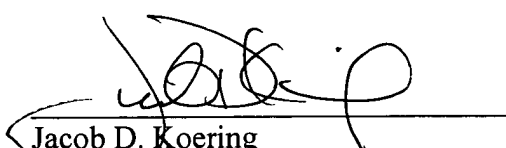
In light of the foregoing, Applicant submits that the application should be in condition for allowance. Accordingly, reconsideration and passage to allowance of claims 1, 4-11 and 13-62 is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & LAKE, LTD

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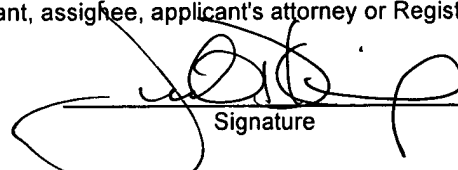
  
Jacob D. Koering  
One of Applicant's Attorneys

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Jacob D. Koering

Name of Applicant, assignee, applicant's attorney or Registered Representative

  
Signature